

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 2959 – HB 3049**

March 9, 2010

**SUMMARY OF AMENDMENT (014997):** Increases the amount a health care provider may charge for copying and mailing a patient's records from \$20 for 40 pages or less in length and \$0.25 per page beyond 40 pages to \$20 for 5 pages or less in length and \$0.50 per page beyond 5 pages. Establishes a fee not to exceed \$20 for each record requiring a notarized affidavit certifying that the records are true and correct copies, made at or near the time of occurrence of the matters set forth by or information transmitted by a person with a duty to record or transmit those matters, the records were made and kept in the course of regularly conducted activity. Prohibits a health care provider from charging the Department of Health for copying or notarizing a medical record when requested pursuant to an investigation, inspection, or survey. The fees established as of January 1, 2010, will still apply to any request for records by the Department of Human Services.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue - \$7,900/Recurring/Health Related Boards  
Increase State Expenditures - \$7,900/Recurring/Health Related Boards  
\$237,500/FY10-11

Increase Federal Expenditures - \$1,230,000/Recurring

Other Fiscal Impact – In FY11-12 and subsequent years, \$237,500 in Family Assistance Medical Evaluation Unit Funds will be budgeted for with Temporary Assistance for Needy Families (TANF) Grant operational funds resulting in a decrease in funds for other operational needs of the TANF program.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Decrease State Expenditures – \$8,100/Health Related Boards**

Assumptions applied to amendment:

- The bill as amended prohibits a health care providers from charging a fee for medical records requested by the Department of Health.

- According to the Department of Health, the Office of Investigations for Health Related Boards requested copies for approximately 86 cases. The average amount charged per case by providers for copying medical records was \$93.90 per case.
- The Division of Health Related Boards will no longer be responsible for paying these fees resulting in a decrease in expenditures of approximately \$8,075.40 (\$93.90 x 86 cases).
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division of Health Related Boards had a balance of \$1,000,000. The Division's FY08-09 balance is not yet available.
- There will not be a fiscal impact to the fee paid by the Department of Human Services Disability Determination Services Division (DDS) or the Family Assistance Medical Evaluation Unit for copies of medical records.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/kml